DETAILED ACTION

1.   This action is in response to the amendment filed on 10/19/09.

2.   The text of those sections of Title 35, U.S. Code not included in this action can be found

in a prior Office action.

Claim Rejections - 35 USC § 102

3.   Claim 2 and 10(2) are rejected under 35 U.S.C. 102(b) as being anticipated by Erich (WO

03/024861 with US 2004/0099379 used as a translation).

Erich discloses a device comprising an exchangeable labeling unit (30) capable of

labeling containers having a control unit (34) having a plug connection for connecting with a

conveyance device. The control unit and plug connection are considered connectable to one of

multiple plug receptacles of a conveyance device for conveying the containers, and the labeling

unit is capable of exchanging signals with the conveyance device (Figures 1 and 4 and

Paragraphs 0008, 0029, 0031, and Claim 21).

Regarding the limitation of "wherein after connecting the control unit of the labeling unit

to the conveyance device via the plug receptacle, preset address information assigned to this plug

receptacle can be transmitted to the control unit", claim 2 is directed to the "connectable"

labeling unit such that limitations directed to the plug receptacle and conveyance device do not

further limit the claim.

Regarding the limitation of "and thereafter, at least identification data of the labeling unit

can be transmitted from the control unit to the conveyance device, the identification data

distinguishing the labeling unit from at least one other labeling unit", it is noted the claims do not

require any particular "at least one other labeling unit", and the "at least one other labeling unit"

is considered any other possible labeling unit. Erich teaches the at least one labeling unit is

capable of exchanging signals with the conveyance device. The data transmitted from the at

least one labeling unit to the conveyance device is identification data of a working labeling unit

this data further distinguishing the labeling unit from at least one other labeling unit not

connected to the conveyance device the at least one other labeling unit being any other known

labeling unit not specifically connected to the conveyance device. This interpretation of

identification is consistent with the dictionary definitions submitted by applicants on 12/8/08 and

consistent with that required by the claims, i.e. the identification data distinguishing the labeling

unit from at least one other labeling unit. This data is also considered of the type required by

claim 10.

Claim Rejections - 35 USC § 103

4.   Claims 1-3, 10, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Bright et al. (EP 1122173) in view of Erich, Hashiguchi et al. (U.S. Patent Application

Publication 2002/0161467), and optionally Krug et al. (U.S. Patent 5,534,890).

        Bright discloses a method and device for labeling containers. Bright teaches a

conveyance device (10) for conveying containers including a computer (20) for transmitting and

receiving data. Bright teaches at least one labeling unit (210-214) for applying labels to

conveyed containers connectable to the conveyance device including wherein the unit is capable

of transmitting and receiving data (Figures 5 and 6 and Paragraphs 0019, 0033, 0044, 0052,

0056, and 0093).

Regarding the limitation of an "exchangeable labeling unit having a respective control

unit that is connectable to one of multiple plug receptacles of a conveyance device", Bright does

not specifically describe the labeling unit as "exchangeable". However, there is no description in

Bright that the unit is somehow permanently installed, and Bright simply depicts the at least one

labeling unit as adjacent the conveyance device without any disclosure of attachment. Bright

does teach the labeling unit is capable of transmitting and receiving data with the conveyance

device, Bright suggests using multiple labeling units, and Bright suggests using a number of

different types of labels suggesting different labeling units. Erich is exemplary of a device

similar to that of Bright wherein the labeling units are exchangeable for a different type of

labeling unit depending upon the desired type of label construction and comprise a control unit

(34) having a plug connection for connecting with a conveyance device. It would have been

obvious to one of ordinary skill in the art at the time the invention was made to modify the

labeling units taught by Bright such that the units are exchangeable as shown by Erich wherein

the device can use any different type of label construction desired.

Regarding the limitations of "each of the plug receptacles having assigned thereto preset

address information" and "wherein, when a control unit of a labeling unit is connected to any one

of the plug receptacles, the preset address information assigned to this plug receptacle can be

transmitted to the control unit of the labeling unit", Bright as modified teaches both the

conveyance device and at least one labeling unit include computer/control units for controlling

the device, e.g. via components and sensors. Bright is not limited to any particular type of

computer (Paragraphs 0051 and 0052). Erich is not limited to any particular control units. Hashiguchi is directed to an inexpensive production management system and system for checking operating conditions of product producing apparatuses. Hashiguchi teaches each of the apparatus of the overall device comprise a computer within a remote control unit (RCU) (3) which computer is capable of controlling the components and sensors of the apparatus, transmitting data to and from each of the computers connected to different apparatus, capable of transmitting data over an internal computer network or internet connection by connecting with the network or internet, capable of storing transmitted information using internal memory (Figures 1 and 3 and Paragraphs 0001, 0004, 0009, 0011, 0013, 0049, 0050, 0054, 0057-0059, 0063-0067, and 0138). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use as the computer or control unit for each of the conveyance device and at least one labeling unit of Bright as modified by Erich a computer within an RCU as shown by Hashiguchi to form an inexpensive production management system for labeling the containers and system for checking operation conditions of the conveyance device and the at least one labeling unit with each computer capable of transmitting data back and forth between the device and unit. Bright as modified by Erich and Hashiguchi includes a conveyance device including a computer within an RCU connected to the control unit computer within an RCU of multiple labeling units each unit having a plug connection such that it would have been further obvious that the RCU of the conveyance device include multiple plug receptacles for connecting to the plug connection of each labeling unit.

Regarding claims 1 and 3, Hashiguchi teaches each RCU includes a preset unique IP address for connecting to the network (Paragraphs 0050 and 0138) such that each of the plug

receptacles is considered to have assigned thereto the preset address, and the computer of the

conveyance device is capable of transmitting the address information to the computer of the

labeling unit after the labeling unit is connected to the conveyance device.

Regarding claim 11 (and also applicable to claims 1, 3, and 7), it appears that connection

of the conveyance device and the labeling units to form the network intrinsically involves

transmitting the preset IP address of each across the network to the other device/unit otherwise it

is unclear how further data transmission on the network regarding operation of the device is

possible. However, in the event it is considered that the RCU of the conveyance device and thus

the plug receptacles do not necessarily transmit the preset IP address information from the

receptacles to the labeling units the following rejection would apply. Hashiguchi teaches the IP

addresses may be allocated dynamically by DHCP. Hashiguchi does not teach specifically

where the transmission device, e.g. router, is located for allocating the IP addresses, it being

noted the location of such transmission device is not critical (Paragraphs 0054 and 0138), and the

device intrinsically includes a preset IP address providing an address from which all other

addresses are allocated. It would have been obvious to one of ordinary skill in the art at the time

the invention was made to include the transmission device taught by Bright as modified within

the RCU on the conveyance device as only the expected results would be achieved. Thus, Bright

as modified teaches a conveyance device including a transmission device having a preset IP

address such that each plug has the same preset IP address whereby connecting each labeling

unit to each plug intrinsically connects the labeling unit to the network via the transmission

device which device transmits both the preset address of the device and the allocated address for

the labeling unit to establish communication between the two such that information for operating

the units with the device may follow.

Regarding the limitation of "wherein at least identification data of the labeling unit can be

transmitted to the conveyance device, the identification data distinguishing the labeling unit from

at least one other labeling unit", Bright as modified by Erich teaches the computer of the

conveyance device receives transmitted data from the at least one exchangeable labeling unit

such as position and status of the components of the unit and status of the label supply. This data

distinguishes the at least one labeling unit from at least one other labeling unit, e.g. from a

second labeling unit taught by Bright or from any other labeling unit known not connected to the

conveyance device, in a number of ways such as wherein the at least one other labeling unit has

the same components in a different position or status, the at least one other labeling unit has

different components, the at least one other labeling unit has a different amount of label supply,

etc. Further, the conveyance device and at least one labeling unit taught by Bright as further

modified by Erich and Hashiguchi includes computers which transmit all operational, e.g.

information regarding the operation of the device or unit via components and sensors, and

product data, e.g. information regarding the containers and labels, between the two such that any

of this operational and product data is identification data the transmitted data identifies the at

least one labeling unit as a labeling unit in operation which data distinguishes the labeling unit

from a unit not in use. This interpretation of identification is consistent with the dictionary

definitions submitted by applicants on 12/8/08 and consistent with that required by the claims,

i.e. the identification data distinguishing the labeling unit from at least one other labeling unit.

This data is also considered of the type required by claim 10.

The following rejection is also optionally advanced regarding the identification data limitation. Bright teaches that the computer includes prestored information relating to the characteristics of the labeling apparatus, the desired container labeling characteristics, etc. (Paragraph 0019). It was known in the art of a device using exchangeable labels, i.e. analogous to a device including exchangeable labeling units such as that taught by Bright as modified by Erich, that the computer of the device detect the type of label used such that the computer automatically identifies the labels used and accesses prestored information relating to the operation of the device with that particular label as opposed to requiring manual input of the type of label from an operator as shown by Krug (Column 9, lines 25-39). It would have been obvious to one of ordinary skill in the art at the time the invention was made that each exchangeable labeling unit taught by Bright as modified transmit information to the computer regarding the type of label in the unit such that the computer automatically accesses the prestored information relating to the operation of the that particular labeling unit as opposed to requiring manual input of the type of label from an operator as was known in similar applications of labels as shown by Krug, it being noted Bright as modified teach each labeling unit transmits data identifying the labeling unit to the computer of the conveyance device the identification data distinguishing the labeling unit from the other exchangeable labeling units.

The following is also noted. Hashiguchi further teaches each RCU is connected to a camera for monitoring the apparatus to which the RCU is connected whereby the computer transmits images of the apparatus to any of the other computers on the network. This information is identification data of the at least one labeling unit in operation and attached to the

device which data distinguishes the labeling unit from a labeling unit not in operation or not attached to the device.

Regarding claim 5, the transmission device of the conveyance device is considered to include memory for several items of address information which can be transmitted, e.g. for two labeling units as taught by Bright, as this would be required to establish the network.

Regarding claims 6, 13, and 15, the transmission device for assigning the address information is provided exclusively for such, i.e. separate from the other computer transmission devices, and the transmission of the address information and other information intrinsically includes various connections within the conveyance device and labeling units.

Response to Arguments

5.   Applicant's arguments with respect to claims 1-3, 5-11, and 13-15 have been considered but are moot in view of the new ground(s) of rejection.

The new limitations are fully addressed above.

Conclusion

6.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

7.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to **John L. Goff** whose telephone number is **(571)272-1216**. The

examiner can normally be reached on M-F (7:15 AM - 3:45 PM).

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

        Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

                                                    /John L. Goff/
                                                    Primary Examiner, Art Unit 1791